

Application No. 10/709,001
Amdt. dated May 16, 2005
Reply. to Office Action dated December 16, 2004

Attorney Docket No.: 060452-0004

Amendments to the Drawings:

The attached sheets of drawings include a new Fig. 3. These sheets replace the original sheet 1, including Figs. 1 and 2. Figure 3 depicts "C" shaped dotted lines (a) without the extremities open and (b) with their extremities open. No new matter has been added since this "C" shaped dotted lines has been described in paragraph [0012].

Attachment: Replacement sheets
Annotated sheets showing changes

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REMARKS/ARGUMENTS

In the application a new figure 3 has been added to depict "C" shaped dotted lines with their extremities open. In the specification corresponding changes have been made by adding a new paragraph [0008.1] and an amended paragraph [0012] to depict inclusion of the new figure 3.

Status of Claims:

In the present application, claims 1-5 are pending of which claims 1 and 3 are currently amended.

Drawing objections:

The drawings were objected to under 37 CFR 1.83(a) for not showing every feature of the claimed invention. Accordingly, in the application a new figure 3 has been added to depict "C" shaped dotted lines with their extremities open. No new matter has been added since this "C" shaped dotted lines has been described in paragraph [0012].

Claim Rejections under 35 U.S.C. § 112 (2nd)

In the application, claim 3 was rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctively claims the subject matter that the applicant regards as the invention. In response, Applicant has amended claim 3, to "An air grill in accordance with claim 1, wherein said these dotted lines are "C" shaped with their extremes open." Applicant believes this amendment removes any insufficiency founded on antecedent basis, and requests that this rejection be removed.

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Claim Rejections under 35 USC § 102:

Claims 1, 2, 4 and 5 have been rejected under 35 U.S.C. 102 (b) as being anticipated by Lowinger (2,080,726). The present invention as claimed, however, does not refer at all to a filter device as shown in Lowinger's patent but to an air grill constituted or conformed by a cardboard or similar material with pre-dotted or scored lines which, once opened, define air passages. In case a filter needs to be used in combination with an air grill then the device described in Lowinger's patent would have to be placed before the air grill as claimed in the present invention. Lowinger's disclosure would not constitute to be a part of the instant invention, as claimed.

Additionally, Lowinger's invention does not have a central opening as shown in claim 1 of the present invention. Further, as claimed, the dotted or scored lines "3" are configured in order to facilitate the folding of the wing or fin "2", which is not taught by Lowinger's disclosure. These wings provide for air passages when folded.

Accordingly, not every element claimed in the present invention is disclosed in the cited reference. Moreover, none of the cited references, whether taken singly or in combination with one another, teach or suggest Applicant's claimed invention. Since claims 2-5 are dependent claims of claim 1, all limitations of claim 1 are present in claims 2-5. Therefore, Applicant believes that claim 1, and claim 2-5, which depend on claim 1 are novel and non-obvious over the cited art.

Applicant respectfully requests the Examiner to reconsider the rejections in view of the above arguments and amendments.

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It is respectfully submitted that claims 1-5 are in condition for allowance and notice to that effect is earnestly solicited. The Examiner is urged to telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application. The Office is authorized to charge the processing fee or any other surcharges or underpayment, as deemed necessary and appropriate, to the Deposit Account 07-1509 of Godfrey & Kahn, S.C.

Respectfully submitted,

GODFREY & KAHN, S.C.

Dated: 5/16/05

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